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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,584

04/27/2006

Mark Jensen

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210 7590 04/28/2008
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EXAMINER

AULAKH, CHARANJIT

ART UNIT

PAPER NUMBER

1625

MAIL DATE

DELIVERY MODE

04/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. According to paper filed on Jan. 14, 2008, the applicants have amended claims 1-5.

The applicants have also submitted a new abstract.

2. Claims 1-5 are pending in the application.

Response to Arguments

3. Applicant's arguments filed on Jan. 14, 2008 have been fully considered but they are not persuasive regarding enablement rejection of claims 3 and 4; prior art rejection, obviousness rejection and ODP rejection. In regard to enablement rejection, the examiner does not agree with the applicants arguments that the WO 03/093266 clearly teaches the utility of instant compounds for treating every known inflammatory and immunoregulatory disease. This publication broadly mentions the use of CCR-2 receptor modulators for treating these disorders without any specific evidence. the term --- modulating-- encompasses both agonists and antagonists of CCR-2 receptors and therefore, both agonists and antagonists can not have the identical utility. The applicants need to provide prior art references showing well established utility of CCR-2 receptor antagonists for treating every known inflammatory and immunoregulatory disorders including rheumatoid arthritis or provide references showing efficacy of CCR-2 receptor antagonists in known animal models of every known inflammatory and immunoregulatory disorder including rheumatoid arthritis.

In regard to prior art rejection, the examiner does not agree with the applicants arguments that the cited patent does not disclose the specific succinate salt claimed in the present application. Actually, succinate salt is claimed in claim 29 of this patent.

In regard to obviousness rejection, the examiner does not agree with the applicants arguments that Jiao does not suggest specific salt. Jiao does teach specific salts including succinate salt as well as methods of preparing these salts on page 5.

Preparation of salts of a known compound is not a specialized field and is within the

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routine skill of an artisan. The therapeutic utility or inhibition of CCR-2 receptor activity is due to the compound itself and is not the property of any specific salt of the compound. The applicants have not provided any evidence of any specific special property of succinic salt of this compound as compared to the compound itself or other salts.

In regard to ODP rejection, the applicants mention that they will consider filing a TD.

Conclusion

4. Rejection of claims 3 and 4 under 35 U.S.C. 112, first paragraph is maintained for the reasons of record.

5. Rejection of claims 1-5 under 35 U.S.C. 102(e) is maintained for the reasons of record.

6. Rejection of claims 1-5 under 35 U.S.C. 103(a) is maintained for the reasons of record.

7. The provisional ODP rejection of claims 1 and 5 is maintained for the reasons of record.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on (571)272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charanjit S. Aulakh/
Primary Examiner, Art Unit 1625

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